

March 23, 2021

To: Mayor and Village Board of Trustees
Post Road
Scarsdale, NY 10383 (via email)

Subject: Proposed Local Law Amending Chapter 205
of the Scarsdale Village Code

Dear Mayor and Members of the Village Board:

The subject proposal is on the Village Board agenda for this evening. Since at that time I shall be in another meeting, I am submitting some comments with this transmission, which supplements my earlier one to you on January 9, 2021 at an earlier stage of the current proceedings.

Having reviewed the proposal as set out in the meeting agenda, I generally support it, with a few observations which I hope may be helpful to the Village Board and Village management moving forward.

The transition period for spring clean-up (just the spring this year) is less than I would have hoped, although with some additional actions this year, our professional gardeners should find it manageable, and not requiring instantaneous major capital expenditures.

As I said back in January, I regard the spring clean-up as traditionally the most demanding of any need for blower assistance with the higher power of gas powered blowers. I have in mind the gardener who leaves in place or even blows into the landscaping some of the fall leaves as a sort of rough winter protective mulch for the plantings. By spring, with months to absorb moisture with snow on top at times, those leaves are virtually glued to the plantings. I note Cynthia Roberts' comment about soil loss from gas blower use. In decades of watching this, I had not seen this as a major problem, although if others have, I can understand that. However, I would note that my observation has been that manual removal of those same leaves with a rake has removed much more topsoil.

So, what future action am I suggesting in light of the local law draft before the Village Board this evening? In short, gardeners should be specifically alerted to the change now and its effects on their spring clean-up processes. If they're already shifting to more leaf mulching with a mulching mower, that's great and should eliminate the problem. If not, at the very least, during the fall leaf season, they should vigorously avoid using fall leaves blown into plantings as protective winter mulching, lest they find spring 2022 to be much more difficult. Some gardeners have already made this change, but not all, and all should do so now. Use something else for protective winter mulching of plantings.

As I've followed the evolution of the local law proposal before the Village Board this evening, I've seen some describing it as "small" or even "timid". I don't believe that either such description does fair justice to the proposal before the Village Board this evening. I regard tonight's proposal as a truly positive and major step, albeit not the last step. In key aspects, tonight's proposal is close to the CAC Option 1 recommendation, with a bit more generous transition provisions.

Some would like to do more than is before the Village Board this evening. Some of them have done a lot of work on their position, and have developed quite a bit of science-based information, not all of which (to the best of my knowledge) has yet made it to the Village Board. Their desire basically for an immediate total ban on gas powered blowers is a much more radical concept. From what I have seen, I agree with much of the science-based justification for the more radical approach, but would urge a more generous transition period. Indeed, I would think it constructive to alert the professional gardeners now that the local law proposal before the Village Board tonight, while major, is just one step, and that they should look at themselves as immediately entering a transition period after which the next step in a few years can be expected to be a total ban on use within the Village of gas powered blowers.

There are a couple of things, in this connection, which I hope that the Village Board and Village management will consider, moving forward.

First, is mandated use of mulching mowers, at least for professional gardeners, including to mulch leaves as well as grass clippings. They were known to be a good idea when the Village was a leader in this area by enacting the gas powered blower restrictions in the 1990s, and are clearly an even better

idea today. Such mandate mulching mower use would not only eliminate any excuse for using gas powered blowers (and to a considerable degree, electric blowers as well), it would basically save the Village greatly costwise with respect to its fall pick-up of leaf piles at streetside.

The problem with this is cost. Some of the large seated mowers seen around the Village (including ones with blade widths of six to eight feet) seem likely to cost similarly to some automobiles. Retrofitting such mowers with mulching blades, to be honest about it, may or may not be practicable. Those sorts of options tend to be available while the equipment is relatively new, and tend to disappear later, even though the gardener may see the equipment then as only half way or so through its useful life. A multi-year transition period (tentatively, I would guess somewhere in the three to five year range) may be needed to avoid considerable financial distress for some professional gardeners (and their customers). That's a reason to begin fairly soon to consider such a proposed local law change, so that a reasonable transition period can be provided.

I understand that some gardeners have in the current process have expressed to the Village Board their pleasure with the transition away from gas powered blowers, for which they find they benefit in several ways. That may be true for some more affluent professional gardeners, but is not true for many smaller professional gardener operations because of transition costs. More reasonable transition periods can ease these problems, and thus enable all gardeners to be able to achieve the benefits mentioned, while not substantially increasing costs to customers.

Second, and finally for this evening, I note that Village budget provisions are being considered for adding a staff position for enforcement of the new local law. Given the well documented difficulties in the past with enforcement, that seems a wise idea, although hopefully the need for it may diminish over time as the need for compliance gradually becomes more universally accepted.

Still, we are clearly in a transition (and likely more than one transition as has been outlined above), and there remains the matter of worker safety in doing gardening around the Village with gas powered blowers and other power-driven equipment. I do recommend that the Village take a look at both its own safety regulations for workers and those applicable

because of federal or state laws. If, based on the science-based information, additional safety regulations would be desirable, they should be considered. In any event, my suggestion would be that the portfolio for the suggested new staff field compliance position also include checking for adequacy of the safety equipment used by our gardening workers. That could be done at the same time as checking for blower violations, and helping the health and safety of our gardening workers would certainly seem a laudable and achievable additional objective.

Hopefully these comments can be considered by the Village Board and Village management, and put to good use to improve the situation for everyone in the community over a reasonable period of time.

Respectfully submitted,

Edward A. Morgan
8 Tunstall Road